

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
) Case No.
) 5:14-CR-00120-H-1
)
TERESA LYN FLETCHER,)
Defendant.)

PRETRIAL RELEASE VIOLATION HEARING
BEFORE SENIOR JUDGE MALCOLM J. HOWARD
OCTOBER 8, 2014; 2:21 P.M.
GREENVILLE, NORTH CAROLINA

FOR THE GOVERNMENT:

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Proceedings recorded by mechanical stenography,
transcript produced by computer.

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P R O C E E D I N G S

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THE COURT: All right. Calling the case of
United States versus Teresa Lyn Fletcher.

Are you Ms. Fletcher?

THE DEFENDANT: Yes, sir. My attorney is in the
restroom.

THE COURT: Don't they understand the clock, you
reckon? Marshal will get him.

All right. In the case of United States versus
Teresa Lyn Fletcher, Docket Number 5:14-CR-120-1-H, let the
record reflect Ms. Fletcher is present with her counsel. Let
me see the revised calender.

Counsel, I lost your name.

MR. LeLIEVER: LeLiever, Your Honor, William Andrew
LeLiever.

THE COURT: Yes, sir, Mr. LeLiever. Are you
representing Ms. Fletcher in this matter?

MR. LeLIEVER: I am, Your Honor. I think I've done a
general appearance in this matter, filed discovery. I think I
filed all the motions in this case.

THE COURT: Okay. Were you representing her at the
time of her initial appearing and her arraignment?

MR. LeLIEVER: By the time of the arraignment I had
already entered a general appearance. At the initial

1 appearance, which was the bond hearing, I actually was present.

2 THE COURT: I understand.

3 MR. LeLIEVER: I was not retained at the time, but I
4 did not make an appearance at that time.

5 THE COURT: That was before Judge Gates in Raleigh.

6 MR. LeLIEVER: That was, and I also made an
7 appearance in front of Judge Swank here.

8 THE COURT: All right. I'm with you now.

9 Mr. Gray, this is not your case, it's Hulbig's case,
10 correct?

11 MR. GRAY: Yes, Your Honor.

12 THE COURT: All right. Now, so I have the facts
13 before me, Ms. Fletcher, a true bill of indictment was returned
14 by the grand jury on or about June 18th of this year charging
15 you with three counts -- correction, four counts, one count of
16 bank fraud, Counts 2 and 4, making false statements to a
17 financial institution that's federally insured, and Count 3 was
18 bank fraud aiding and abetting.

19 She has had her initial appearance before
20 Judge Gates, as I just stated, and at that time Judge Gates
21 found conditions meritorious for her release. Then later, on
22 or about -- when was the arraignment, Madam Clerk?

23 THE CLERK: I believe it was at the last term,
24 Your Honor. September the 8th.

25 THE COURT: September 8th, at the arraignment before

1 Magistrate Judge Swank, September the 9th, she entered pleas of
2 guilty to Counts 2 -- to two counts of bank fraud and one count
3 of mail fraud. Supervision was continued.

4 Now, the conditions were numerous, but they
5 specifically consisted of, before Judge Gates, cannot apply for
6 new credit or open a bank account without the permission of a
7 probation officer, and that same -- those same circumstances
8 were affirmed by Judge Swank.

9 Now, before me is the petition for action on her
10 pretrial release alleging that she has violated the conditions
11 in that she applied for a \$150,000 capital loan from Direct
12 Capital, I assume, Mr. Probation officer, Mr. Campbell, without
13 your permission or authorization.

14 PROBATION OFFICER: That's correct, Your Honor.

15 THE COURT: All right. Does she admit or deny that,
16 Mr. LeLiever?

17 MR. LeLIEVER: She denies that, Your Honor.

18 THE COURT: Say again?

19 MR. LeLIEVER: Denies it, Your Honor.

20 THE COURT: All right. Mr. Gray, are you prepared to
21 go forward?

22 MR. GRAY: Yes, Your Honor, we are prepared to go
23 forward.

24 THE COURT: Call your witness.

25 MR. GRAY: Thank you. At this time I'll be calling

1 Secret Service Agent Mr. Stephen Turner.

2 THE COURT: Agent Turner, come up to Madam Clerk and
3 be sworn, please, sir.

4 THE CLERK: Would you place your left hand on the
5 bible and raise your right hand. Please state your name.

6 THE WITNESS: Stephen Turner.

7 THE CLERK: Do you swear that the testimony you're
8 about to offer the Court in this matter will be the truth, the
9 whole truth and nothing but the truth, so help you God?

10 THE DEFENDANT: I do.

11 THE CLERK: Would you have a seat in the witness
12 stand, please.

13 THE COURT: You may proceed, Mr. Gray.

14 MR. GRAY: Thank you, Your Honor.

15 - - - - -

16 DIRECT EXAMINATION

17 BY MR. GRAY:

18 Q Agent Turner, would you please state your name and spell
19 it for the record, please.

20 A Absolutely. My name is Stephen, S-T-E-P-H-E-N, Turner,
21 T-U-R-N-E-R.

22 Q And who are you employed by?

23 A By the United States Secret Service.

24 Q How long have you been working with Secret Service?

25 A A little over seven years.

1 Q And what are your primary duties with the Secret Service?

2 A We investigate financial crimes as it impacts the
3 financial structure for the U.S. Government. We also do
4 protection for various dignitaries.

5 Q In this case you were working primarily in the financial
6 crime investigation, correct?

7 A Correct.

8 Q So you're familiar with the defendant in this case?

9 A Yes, I am.

10 Q Would you please briefly describe to the Court the nature
11 of the investigation that you -- that led to the pleading
12 guilty of the two counts of the indictment.

13 THE COURT: Three counts.

14 MR. GRAY: I'm sorry, Your Honor. I believe she --

15 MR. LeLIEVER: Your Honor, if I may. We actually
16 pled to criminal information and that's why it was three counts
17 and the third being mail fraud. The indictment was four
18 counts, the criminal information was three counts, and I
19 apologize for that, Your Honor.

20 THE COURT: So noted. Thank you, Mr. LeLiever.

21 Go ahead, Mr. Gray.

22 A Sir, the defendant came to the attention of the Secret
23 Service after a report was made by a lender named TD Bank.
24 TD Bank brought forth documents and alleged that the defendant
25 provided fictitious documents, both inflating her income and

1 net worth, in order to qualify for a one point approximately
2 six million dollar loan for a home in Raleigh. When
3 investigations continued in this matter, there were a number of
4 findings that suggested the defendant also, knowing the rules
5 of the Fair Credit Reporting Act, provided documents, namely
6 fictitious police reports or altered police reports, to lending
7 institutions to exonerate herself of any bad credit in order to
8 qualify for additional loans.

9 Q Is it your understanding that the Fair Credit Reporting
10 Act imposes an obligation on a financial institution if they
11 are informed that someone has had an identity stolen?

12 A Yes, it is.

13 Q Okay. What is your understanding as to the Fair Credit
14 Reporting Act requirements for those banks?

15 A Basically with the claim that there has been an identity
16 theft against an individual's credit, the Fair Credit Reporting
17 Act states that given a police report to that point to one of
18 the three major credit reporting agencies, they have an
19 allotment of time, if I recall correctly, it's around 48 hours,
20 to either conduct the investigation, to substantiate the claim,
21 or to remove the credit mar off that individual's credit
22 report.

23 Q Now, with regard to the defendant in this case, you are
24 aware that she was -- she had an initial appearance before
25 Magistrate Judge Gates on June 26, 2014, correct?

1 A Yes.

2 Q And you are aware that on that date she was placed on
3 presentence release by the Court, correct?

4 A Yes, I was.

5 Q And are you aware of the condition that she is required to
6 get permission of the probation officer prior to obtaining any
7 credit?

8 A Yes, sir.

9 Q Are you familiar with the condition that she is not to
10 break or engage in any violation of law?

11 A Yes, I am.

12 Q Now, with regard to the defendant in this case, after her
13 initial appearance there was another investigation or continued
14 investigation by the Secret Service, correct?

15 A Correct.

16 Q Could you please tell the Court a little bit about what
17 was found with regard to any loans or applications for loans
18 made by the defendant after her arraignment -- I mean, after
19 her initial appearance.

20 THE COURT: Let's hold it right here just a second.

21 Now, we had a crucial date in this matter of
22 June 26th, that's the appearance before the Magistrate Judge,
23 the initial appearance and explanation of the charges then
24 pending; and then on September 9, just 30 days ago,
25 thereabouts, is when she actually pled to the criminal

1 information.

2 THE CLERK: Your Honor, it's actually September the
3 8th. Her arraignment was on the 8th.

4 THE COURT: It was on the 8th.

5 THE CLERK: Yes, sir.

6 THE COURT: But Officer Campbell, you got
7 September 9th in your report. Do you acknowledge it may have
8 been the 8th?

9 PROBATION OFFICER: Yes, Your Honor, it must have
10 been the 8th.

11 THE COURT: All right. I understand.

12 On September 8th those same conditions were
13 continued.

14 Now, where I'm coming from is we could not go --
15 anything I'm going to hear today is only to impact the
16 presentence release issue, and I'm not interested in anything
17 previous to at least the Gates arraignment. Do you understand?

18 MR. GRAY: Yes, Your Honor, and it's our intention
19 just to provide that information with regard to that.

20 THE COURT: All right. I'll hear you. Carry on.

21 MR. GRAY: Thank you, Your Honor.

22 BY MR. GRAY:

23 Q Now, with regard to post-June 26, 2014, I asked you if
24 there was a continuing investigation that came to the matter of
25 the Secret Service.

1 A Yes, there was.

2 Q Would you please tell the Court what information you
3 learned after June 26th of 2014 about the defendant.

4 A The Secret Service was contacted by a company named
5 Elavon. Elavon is a credit card processing company.

6 THE COURT: How do you spell Elavon?

7 THE WITNESS: E-L-A-V-O-N, to my knowledge, sir.

8 A Basically in the past the defendant had entered into an
9 agreement with Elavon, formerly known as Nova, to use their
10 services to process credit cards for her businesses, one named
11 MedAccom and one named Hospital Traveler. The defendant --
12 Elavon indicated that the defendant left bad debt with both of
13 those accounts and as a result the company, Elavon, formerly
14 known as Nova, secured judgments against the defendant in both
15 cases because of her -- because of her debt.

16 Q Now, Agent, I do want to just kind of turn your attention
17 to -- just to kind of move forward on the matter.

18 As a result of this loan with Elavon, what did you
19 learn as a result of -- well, what took place as a result of
20 this loan with Elavon with regard to the Secret Service,
21 after -- well, what came to the Secret Service after June 26th?

22 A There was a company named Direct Capital. Direct Capital
23 is a lender who was in negotiation with the defendant who had
24 sought a \$150,000 loan from the lender. When they attempted to
25 verify if she would be a sufficient risk to take, they noticed

1 that there was a mar on her credit by Elavon because of the two
2 judgments that I had previously mentioned.

3 Q So as a result of that finding, what steps did you take
4 investigatively?

5 A We discovered that Elavon had been provided with a request
6 to write a letter on the defendant's behalf stating that she
7 had never obtained credit from them and therefore was a victim
8 of identity theft, and further that they had received a police
9 report substantiating that fact.

10 THE COURT: All right. Now, when did this occur?

11 THE WITNESS: I do not recall the exact date, sir. I
12 do know that it was after the initial appearance.

13 BY MR. GRAY:

14 Q Now, Agent Turner -- and this may help answer the Court's
15 question. Agent Turner, with regard to this -- with regard to
16 this statement that the defendant had made a request to correct
17 her credit history, was there a -- were any documents received
18 by the Secret Service with regard to that inquiry, that attempt
19 to correct her credit history?

20 A Yes, there were. There were internal records maintained
21 by Elavon.

22 Q I want to show you what's been previously marked as
23 Government Exhibit Number 1 for the purposes of this hearing,
24 it's been previously provided to the defense counsel. I'm
25 going to show it to you on the screen.

1 Okay. Agent Turner, have you seen this document
2 before?

3 A I have.

4 Q Are you familiar with what this document is?

5 A I am.

6 Q What is it?

7 A This is a fax cover sheet that was -- prefaced the police
8 report we recently referred to.

9 Q And this fax, was this sent to one of the creditors,
10 credit companies?

11 A Yes, it was. This was provided to Elavon.

12 Q And it appears that -- and I want to draw your attention
13 to the upper highlighted portion. It appears that the date on
14 this is September 5th, 2014.

15 A Yes, sir, that's correct.

16 Q Is that the date that it was received by the credit
17 company?

18 A Yes, sir.

19 Q Within this document, it also has -- at the bottom portion
20 it has a date that says 2014 -- I mean, I'm sorry,
21 September 5th, 2014 at the bottom. Is that also reflective of
22 the date that this was sent to the credit company?

23 A Yes, it is.

24 Q With regard to this fax, what was the purpose of this fax?

25 A This was used to provide the police report to Elavon,

1 stating that the defendant's company was a victim of identity
2 theft, fraud, of their tax I.D. number.

3 Q And along with this fax, were any other documents sent to
4 the credit company to help try to resolve this issue?

5 A Yes, they were. This was the preface to the police report
6 that was provided.

7 MR. GRAY: Your Honor, I'd like to move for the
8 admission of Government Exhibit Number 1 at this time.

9 THE COURT: Let it be admitted.

10 MR. GRAY: Thank you.

11 BY MR. GRAY:

12 Q Agent Turner, I want to show you what's been previously
13 marked as Government Exhibit Number 2 for identification. Can
14 you identify what that document is.

15 A I can. This is the altered police report as provided by
16 the previous fax cover. This was sent to the company Elavon.

17 Q So this was the document that accompanied the fax cover
18 sheet? So this is the police report that was mentioned in the
19 cover sheet?

20 A That's correct.

21 Q Which is Government Exhibit 1?

22 A Yes.

23 Q And this document, you've had an opportunity to see it
24 before, correct?

25 A I have.

1 Q Where did you get this document from?

2 A I got it from the company Elavon.

3 Q So Elavon provided this document to you, and did they tell
4 you what this document was meant to represent?

5 A Yes, that the company the defendant owned or operated was
6 in fact a victim of identity theft.

7 Q Now, as a result of getting this document, what
8 investigative steps did you take as a Secret Service agent?

9 A I contacted the Vance County Sheriff's Office and
10 requested a copy of the official police report under that same
11 case number.

12 Q I'm going to show you what's --

13 MR. GRAY: At this time, Your Honor, I'd like to move
14 for the admission of Government Exhibit Number 2.

15 THE COURT: Let it be admitted.

16 MR. GRAY: Thank you, Your Honor.

17 BY MR. GRAY:

18 Q Agent Turner, I'm going to show you what's been previously
19 marked as Government Exhibit Number 3 for identification. Do
20 you know what that document is?

21 A Yes, sir, this is the official case report from the exact
22 same case number as provided by the Vance County Sheriff's
23 Office.

24 Q Now, Agent Turner, you mentioned earlier that the document
25 that was shown as Government Exhibit Number 2 was an altered

1 police report.

2 A That's correct.

3 Q With regard to the alterations, is it your testimony that
4 Government Exhibit Number 3 is the actual police report?

5 A This is the official file as provided to me under that
6 case number by the Vance County Sheriff's Office.

7 Q I want to show you Government Exhibits 2 and 3 side by
8 side, and I have a couple of portions that are highlighted.

9 I'd like to turn your attention to the first
10 highlighted portion. It looks like it says OCA and it appears
11 that there is a case number there. Is that reflective of the
12 case number by Vance County?

13 A Yes, it is.

14 Q Were the case numbers on Exhibits 2 and 3 the same?

15 A Yes, they are.

16 Q With regard to the third block, there is a block that says
17 "Victim," do you see that on the left-hand side?

18 A Yes, I do.

19 Q Where it says "victim," are the names the same?

20 A No, they're not.

21 Q Have those been altered?

22 A Yes, they have.

23 Q We're going to turn to the second page on both documents.

24 On Government Exhibit 2 and at Government Exhibit
25 Number 3, have there been changes or alterations made between

1 those two documents?

2 A Yes, there have.

3 Q I note within the narrative there were some changes that
4 were made, particularly in the first line. Do you see those?
5 Do you see that highlighted section?

6 A I do.

7 Q Is T. Lyn Fletcher the same person as Teresa Carden?

8 A Yes, it is.

9 Q And how do you know that?

10 A I've seen that name in a plethora of documents that I've
11 gathered throughout the course of the investigation, which
12 ultimately identify the defendant.

13 Q Now, with regard to these two documents, what was the
14 purpose or what was the purpose identified by Elavon as to why
15 they received the police report which is Government Exhibit
16 Number 2?

17 A To declare that the companies run by the defendant were
18 victims of identity theft and therefore not responsible for the
19 debt that was accrued with their organization.

20 Q Now, Agent Turner, you mentioned that you were previously
21 familiar with the Fair Credit Reporting Act, correct?

22 A Yes.

23 Q As a result of receiving Government Exhibit Number 2, was
24 there an obligation on behalf of Elavon to take any steps with
25 regard to the defendant's credit report?

1 A It was to initiate an investigation and either
2 substantiate or release the claims of fraud against the -- one
3 of the three credit reporting agencies for their debt.

4 Q Did Elavon inform you upon which date they received the
5 initial inquiry with regard to trying to get this matter
6 cleared up, specifically when the defendant contacted them to
7 try to get her credit history cleared up?

8 A They did give me a date, and I apologize, I cannot recall.

9 Q Was that date on or about the 5th of September, 2014?

10 A Yes, it was. It was just a day or two after one of the
11 appearances for the defendant.

12 Q You had an opportunity to read the documents with regard
13 to the matters she provided to Elavon. Did she at any point in
14 time state that she had lost or was a victim of identity theft?

15 A No, sir.

16 Q Did she claim within any of the documents she provided
17 that she was trying to get her credit repaired?

18 A No, sir.

19 Q And these documents that you received with regard to the
20 Vance County Sheriff's report, did you receive that from -- did
21 you receive that from Elavon or did you receive that from Vance
22 County?

23 A If you would ask me again, which report? I received the
24 genuine copy from Vance County and I received the fictitious
25 copy from Elavon.

1 Q Thank you.

2 And with regard to the loan that took place from
3 Direct Capital, did that loan take place -- or did that request
4 or the application take place in August of 2014?

5 A Yes, it did.

6 MR. GRAY: No further questions, Your Honor.

7 THE COURT: All right. Counsel for defendant,
8 Mr. LeLiever, do you have questions of Special Agent Turner?

9 MR. LeLIEVER: Yes.

10 THE COURT: You may proceed.

11 - - - - -

12 CROSS-EXAMINATION

13 BY MR. LeLIEVER:

14 Q Mr. Turner, just on that last question, you just testified
15 to the Court that the loan took place with Direct Capital.
16 Is that what you just said to the Court?

17 A Yes, sir.

18 Q How do you know that the loan took place?

19 A They told us that the loan had closed.

20 Q Would you be surprised to know that the loan never closed
21 and that the loan was never given to my client?

22 A That would be in conflict with what we were told. We are
23 still waiting subpoenaed information.

24 Q Now, let me ask you, in your investigation, my client,
25 Teresa Lyn Fletcher, did not actually apply for the loan; is

1 that correct? It wasn't in her name, I guess I should say?

2 A I do not recall. We haven't seen the documents as were
3 demanded by the subpoena to this point.

4 Q Okay. Were you given any e-mails from Direct Capital
5 about the -- e-mails between Direct Capital and my client?

6 A No, sir.

7 Q Were you given any communication from Elavon about
8 communications with my client?

9 A Yes, we were.

10 Q Okay. And Elavon actually, you testified earlier -- let
11 me just go back.

12 You testified earlier that Elavon told you that my
13 client wanted them to investigate and report to the credit
14 agencies; is that correct?

15 A Yes, sir.

16 Q But actually in the letter and in truth isn't it also
17 correct that my client asked them to investigate and write a
18 letter to Direct Capital; is that correct?

19 A To write a letter to Direct Capital?

20 Q To Direct Capital about what the debt status was.

21 A No, I believe what the request was is that they write a
22 letter declaring that she had never established an account.

23 Q Agent Turner, you are aware that this entire loan that is
24 being testified about today was actually a loan for Hospital
25 Travelers?

1 A Correct.

2 Q You are aware of that, correct?

3 A I'm aware that it was a working capital loan, yes.

4 Q Okay. For Hospital Travelers?

5 A Yes.

6 Q So it was a corporation loan, correct?

7 A Correct.

8 Q And there was more than one person that signed for that
9 loan; isn't that correct?

10 A Again, I do not know. I have not seen the subpoenaed loan
11 documents.

12 Q Did you know that other stockholders in that company also
13 had to sign for this loan?

14 A No, I -- again, I can't testify to something I haven't
15 seen.

16 Q Did you know the loan was used for a corporate purpose,
17 was going to be used for a corporate purpose?

18 A The intentions of the defendant for the money, I have -- I
19 can't speak to either.

20 Q Did you know that my client actually had another loan with
21 a subsidiary of Direct Capital?

22 A No, sir.

23 Q My client being -- well, actually, that's not my client.
24 Hospital Travelers, the same company that applied for this
25 loan, actually had, I believe, a loan for an Apple Macintosh

1 computer just from 2014, maybe in September, they had just
2 gotten a loan I believe with a subsidiary of Direct Capital;
3 were you aware of that?

4 A No, sir.

5 Q And are you aware that they're current with that loan?

6 A No, I'm not. I'm not aware of any --

7 Q I want to go back to these exhibits that are 2 and 3.

8 You testified earlier that number 2 you believe was a
9 forged document, forged police report, correct?

10 A I'm testifying that it is different from the original that
11 I received from Vance County, that's correct.

12 Q You cannot say that it was forged, can you?

13 A I can say that it differs from Vance County.

14 Q Have you ever done an incident or investigation report,
15 and I don't mean to demean you in any way, but just asking the
16 basic question, have you ever written one of these reports?

17 A Yes, sir.

18 Q And sometimes when you write these reports, they are
19 updated at later times; is that correct?

20 A They can be updated, but only under an addendum. A
21 previous page that has been written cannot be changed.

22 Q Okay. For instance, page 2 of -- 2 and 3, it goes over --
23 assigned to Detective Wilkerson, later in the comment -- in the
24 narrative section, and then it actually says supplement 3, do
25 you agree that Clerk Betty Bobbitt on 9-2-2011 -- do you see

1 where Clerk Betty Bobbitt gave a supplement, number 3?

2 A I do not have any picture of what you're referring to
3 right now.

4 Q Exhibit 2 or 3 -- 2 and 3 actually say it.

5 A I can go off memory, and I don't recall.

6 MR. LeLIEVER: Your Honor, can I approach?

7 It's Government Exhibit 2, if you could bring that
8 up, page 2, that was just shown to the witness, but I can
9 approach, if you'd like, but --

10 THE COURT: You may.

11 A I have a picture now, sir.

12 Q You have a picture now?

13 A I do.

14 Q Okay. So on page 2 of Exhibit -- is this Exhibit 2?
15 I believe it is. Do you see, I guess, at the bottom of the
16 page, do you see the word "supplement" there?

17 A Yes, I do.

18 Q And supplement 3, correct?

19 A I do see supplement 3.

20 Q So supplement 3 would infer that there was a supplement 2,
21 correct?

22 A I can only assume.

23 Q But you see supplement 3, how it was entered by the clerk,
24 correct?

25 A I see where it says supplement 3, Clerk Betty C. or G.

1 Bobbitt, 1 -- possibly 32.

2 Q Okay. In the supplement by Detective Wilkerson -- and you
3 can see that right under Bobbitt, correct?

4 A Yes.

5 Q And then on page 3 of this exhibit, did you notice that at
6 the very bottom of the narrative section it said -- and this is
7 the one that you believe was a forged document: Called Vance
8 County Sheriff's Office around 10:20 a.m. on September 5th,
9 2014, asked for Elavon Company in the amount of \$13,000 to be
10 added to this report. That's the -- this is the forged
11 document, correct? Or, I'm sorry, this is the one that you
12 believe is different than the one that you requested?

13 A Correct.

14 Q Okay. Can we go to Exhibit 3, the Government's Exhibit 3,
15 please. And on the third page of that exhibit, on the end of
16 the narrative section, it states: Ms. Teresa Carden called the
17 Vance County Sheriff's Office around 10:20 on September 5th,
18 2014 and asked that Elavon Company in the amount of \$13,000 be
19 added to this report. Is that correct?

20 A I do see that.

21 Q So on both reports it says the same thing about Elavon?

22 A No, sir, they were different.

23 Q Because one said Carden and one said --

24 A One said nothing.

25 Q One said nothing?

1 A That's correct.

2 Q Now, can I ask you something? What is the difference
3 between Carden and Fletcher?

4 A One is a married name, one is a maiden name.

5 Q Okay. So you are aware that Teresa Lyn Fletcher was
6 Teresa Carden for quite some time?

7 A Yes, sir.

8 Q And now she is Teresa Lyn Fletcher, correct?

9 A Yes, sir.

10 Q Because she's resumed her maiden name.

11 A Correct.

12 Q So is it possible that when she called up to the Vance
13 County Sheriff's Office, that they in fact changed that
14 information?

15 A Well, I mean, anything is possible. I wasn't privy to
16 that conversation.

17 Q And again, in your investigation of this instant case, was
18 there any contact between -- that you found between my client
19 and any of the credit reporting agencies?

20 A I'm sorry, I don't understand what you're asking.

21 Q I think you testified earlier that my client had never
22 contacted any of the credit reporting agencies during this
23 investigation. Is that still -- you believe that she had never
24 contacted them about this loan?

25 A About this particular loan?

1 Q Yes.

2 A No, I didn't mean to refer that. What I'm suggesting is
3 I'm not aware if she contacted directly to Direct Capital, is
4 what I believe I testified to, because I have not gotten any
5 subpoenaed documents from them.

6 Q And it is correct that the actual Elavon had a -- who is a
7 judgment creditor; is that correct?

8 A That Elavon is a what now?

9 Q A judgment creditor, meaning they had a judgment
10 against --

11 A That's correct.

12 Q But they had a judgment against Hospital Travelers,
13 correct?

14 A Correct.

15 Q They did not have a judgment against Teresa Lyn Fletcher,
16 correct?

17 A I believe that's true.

18 Q Or Teresa Carden?

19 A I know that they have provided documents that had her
20 signing for that loan, but they -- I do not recall the
21 judgments being in her name, that's correct.

22 Q They were actually in the name of Hospital Travelers.

23 A Okay.

24 Q Okay.

25 A Correct.

1 MR. LeLIEVER: I don't have any other questions,
2 Your Honor.

3 THE COURT: All right. Do you have any more for
4 Mr. Turner?

5 MR. GRAY: Yes, Your Honor, just briefly, follow-up
6 question.

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8 REDIRECT EXAMINATION

9 BY MR. GRAY:

10 Q Agent Turner, with regard to Government's Exhibits 2 and
11 3, where it says "victim," would you please take a look at the
12 "victim" column for both of those documents. I'm going to pan
13 that out for you. Within that "victim" section --

14 A Yes, sir.

15 Q -- the addresses of the victim, are those the same?

16 A They are not.

17 Q With regard to page 3 of both documents, Government
18 Exhibit 1, Government Exhibit 2 and 3, the last paragraph,
19 where it -- on Government Exhibit 3 it says: Ms. Teresa Carden
20 called, is there -- and on Government Exhibit 2, does it appear
21 that there was an alteration between those two documents?

22 A It appears as though there was at minimum an omission.

23 Q Now, Agent Turner, you contacted the Vance County
24 Sheriff's Office to obtain Government Exhibit Number 3.

25 A I did.

1 Q Did they tell you that there had -- you know, there hadn't
2 been any changes or they had made changes with regard to those
3 reflected between Government's Exhibit 2 and 3?

4 A They had.

5 Q And what did they tell you with regard to Government
6 Exhibit Number 3?

7 A They told me that this was the official file that they
8 maintain with all the contact from the defendant.

9 Q And did they give an indication as to whether or not they
10 had a copy of Exhibit Number 2?

11 A When I asked if this was all that they had in conjunction
12 with this file, they confirmed that it was.

13 Q So based upon your investigation, Government Exhibit 3 is
14 the only copy that's in possession by Vance County Sheriff's
15 Department?

16 A Correct.

17 Q Now, Agent Turner, with regard to --

18 THE COURT: Okay. I've heard enough. What else you
19 got from him?

20 MR. GRAY: Your Honor, just briefly, one last
21 question for him.

22 THE COURT: Okay.

23 BY MR. GRAY:

24 Q Is this the only county sheriff's department that you
25 received an altered document from?

1 A No, sir.

2 Q What other counties did you receive altered documents from
3 regarding the defendant?

4 A Durham County Sheriff's Office.

5 Q Thank you. And do you remember when those altered
6 documents were provided to you?

7 A Within the last -- let's see. Yesterday or the day
8 before.

9 MR. GRAY: Thank you. No further questions,
10 Your Honor.

11 THE COURT: All right. You may step down.

12 MR. LeLIEVER: Your Honor, can I ask him a question
13 about --

14 THE COURT: No, you may not. You may approach the
15 bench, both counsel and probation officer.

16 (The following bench conference was held.)

17 THE COURT: All right. Now, Mr. U.S. Attorney, the
18 conditions is what the allegation is have been violated. The
19 only condition that possibly applies here is she cannot apply
20 for new credit or open a bank account without the permission of
21 a probation officer. Now, all this stuff that we're hearing,
22 this well may be obstruction or it may be intimidating or
23 impeding, well, that's enhancements in the presentence report
24 to be determined at the time of sentencing. Unless you've got
25 something clearly where she attempted to get a new line of

1 credit or open a bank account without probation officer, I
2 don't have anything to go on. Go ahead.

3 MR. GRAY: Your Honor, we did have --

4 THE COURT: All we're doing is talking about
5 presentencing confinement, so go ahead.

6 MR. GRAY: I'm sorry, Your Honor, with regard to the
7 agent's testimony, he did testify that there was the loan that
8 was made by Direct Loan that took place in August of this year.

9 THE COURT: Okay. But when was it applied for?

10 MR. GRAY: Well, he testified as to August, so I
11 don't have --

12 THE COURT: I mean, yeah, it could be 8 or something.
13 He doesn't have even the backup stuff of what you're showing
14 today. I'm going to have to toss you out today.

15 Now, again, you better get her straight. I think
16 she's getting very close to obstruction and impeding and so
17 forth and so on, and those are proper enhancements under
18 sentencing guidelines, but as of this time, I've got to follow
19 exactly what these two judges put down and it was open a new
20 bank account or apply for new credit, and we don't have that in
21 black and white, okay?

22 MR. GRAY: Thank you, Your Honor.

23 THE COURT: Go back.

24 (End of bench conference. Proceedings resume in open court.)

25 THE COURT: In this matter before the Court at the

1 request of the probation department, the Court has conducted a
2 hearing in order to determine if the defendant has violated the
3 conditions of her pretrial release, and the only condition that
4 could apply based on the general evidence I've seen is the
5 condition that she not apply for new credit or open a bank
6 account after the beginning date of whatever it was, June 26th.
7 I haven't heard anything directly on that point and I'm going
8 to find that the Court is not satisfied with that and I'm going
9 to continue her on the conditions that she was released on by
10 both previous judges.

11 Now, I cautioned Counsel, and you may inform your
12 client, that certain of these type actions could be considered,
13 I don't know without all the facts, as enhancements or
14 obstruction or impeding, and that could cause her more trouble.
15 I recommend that Counsel advise her of all those issues.

16 I'm dismissing this matter and continuing her under
17 the same conditions. That's all.

18 The Court will be adjourned, Marshal.

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20 (Proceedings concluded at 3:01 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript of proceedings taken in a pretrial release violation hearing in the United States District Court is a true and accurate transcript of the proceedings taken by me in machine shorthand and transcribed by computer under my supervision, this the 20th day of February, 2015.

/S/ DAVID J. COLLIER

DAVID J. COLLIER

OFFICIAL COURT REPORTER